

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 20, 2007

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J., Jackson, J. (Assigned) and S. Stahl, Deputy Clerk.

Each of the following:

B185534	People v. Coleman
B185881	People v. Harold M.
B186842	People v. Lopez
B187952	People v. Brown
B188383	People v. Goode
B188824	People v. Mayfield
B189035	People v. Govea
B189188	People v. Davalos
B189654	People v. Gonzalez
B189719	In re Marriage of Foster
B190470	People v. Hall
B190605	People v. Martinez
B190625	People v. Johnny N.
B190704	People v. Bryan P.
B190748	People v. Mack
B191202	People v. Taylor
B192723	DCFS v. Julie R
B192788	People v. Afonin
B192981	People v. Davis
B195157	Samuel W. et al. v. SCLA (DCFS, rpi)

Argument waived, cause submitted.

DIVISION ONE (Continued)

B190882 People
 v.
 Jones

Merits:

Argued by William L. Heyman for appellant and by Sara J. Farjat, Deputy Attorney General, for respondent. Cause submitted.

B184868 Bromley
 v.
 Azarbaydjani

Merits:

Argued by Dawn S. Theodora, Deputy Attorney General, for respondent and no appearance by appellant. Cause submitted.

B190346 Lopez
 v.
 DePriest et al.

Merits:

Argued by John P. Kristensen for appellants and by Eugene Alkanl for respondent. Cause submitted.

B190100 Duran
 v.
 San Gabriel/Pomona Regional Center

Merits:

Argued by Henry J. Matusek II for appellant and by Marc Thompson for respondent. Cause submitted.

February 20, 2007 (Continued)

DIVISION ONE (Continued)

B186224 Hall et al.
v.
County of Los Angeles et al.

Merits:

Argued by David R. Markham for appellants; by Elwood Lui for respondent County of Los Angeles and by Charles H. Goldstein for respondent Auxiliary Legal Services. Cause submitted.

Vogel, J. leaves the bench.

B187425 City of Santa Monica
v.
Baron & Budd et al.

Merits:

Argued by Thomas M. Peterson for appellant; by Marshall B. Grossman for respondent Baron & Budd and by Kirkland W. Garey for respondent Cooper & Scully. Cause submitted.

Court adjourned.

DIVISION TWO

B190241 People (Not for Publication)
v.
Barris Angerson

The order of probation and \$100 probation revocation fine are vacated, and the matter is remanded to the trial court for resentencing. The judgment is otherwise affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION TWO (Continued)

B186421 A.C. Investments Inc. et al. (Not for Publication)
 v.
 Gordon

The judgment is affirmed. Respondent(s) to recover costs.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION THREE

B186894 People (Not for Publication)
 v.
 Octavio L.

The judgment is reversed and the matter remanded to the juvenile court for further proceedings consistent with this opinion.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B186360 People (Not for Publication)
v.
Beltran et al.

The judgments are affirmed.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

B187104 People (Certified for Partial Publication)
v.
Hutchins

The judgment is reversed and the cause is remanded to the trial court for reconsideration of its ruling on the Wheeler/Batson challenge under a preponderance of evidence standard. If the trial court finds that it cannot adequately address the challenge or make a reliable determination, or if it determines that the prosecutor exercised her peremptory challenge improperly, the reversal is to stand and the trial court is ordered to set the case for a new trial.

If the trial court determines that appellant has not met his burden of proving purposeful race discrimination, the judgment shall be reinstated, modified as follows: the indeterminate life sentence on count 13 is reversed and the trial court is ordered to resentence appellant on that count; the trial court is also directed to amend the abstract of judgment to reflect appellant's new sentence on count 13 and the correct number of presentence credits; and the superior court clerk is directed to forward the amended abstract of judgment to the Department of Corrections and Rehabilitation.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

February 20, 2007 (Continued)

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

[illegible]

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

B194673 Nicolette B. (Not for Publication)
v.
Superior Court, Los Angeles County
(DCFS, r.p.i.)

The application for extraordinary writ is denied.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

DIVISION FOUR (Continued)

B193389 White Memorial Medical Center (Not for Publication)
v.
Superior Court, Los Angeles County
(Sigrid Lopez, r.p.i.)

Let an order issue under the authority and seal of this court directing respondent court to vacate its previous order denying the motion of petitioner Medical Center to strike punitive damages allegations and the related prayer in the pending proceeding and to issue a new order granting that motion. Petitioner is awarded costs in this proceeding.

Epstein, P.J.

We concur: Willhite, J.
 Manella, J.

DIVISION FIVE

B187213 People (Certified for Partial Publication)
v.
Patrick Santos, Jr.

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

B188155 Nina Ringgold and Mary Louella Sanders
v.
Mary L. Aubry and Robert B. Aubry

Filed order denying petition for rehearing.

DIVISION FIVE (Continued)

B193680 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Joy J.

The judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
 Mosk, J.

B187371 People (Not for Publication)
 v.
 Fabian Lopez

The judgment is modified to stay the four-year state prison sentence on the charge of attempted robbery pursuant to Penal Code section 654. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
 Mosk, J.

B188977 People (Not for Publication)
 v.
 Derek L. Leslie

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION FIVE (Continued)

B195087 Tammy K. (Not for Publication)

V.

Superior Court, Los Angeles County
(DCFS, r.p.i.)

The petition for extraordinary writ is denied. Pursuant to California Rules of Court, rule 8.264(B)(3), this opinion is made final forthwith as to this court.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

B188101 James Smith (Not for Publication)

V.

Ken Mifflin et al.,

The judgment is affirmed. Defendants, Ken Mifflin and the Law Offices of Mifflin & Associates, are to recover their costs on appeal from plaintiff, James Smith.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B188755 Beldoon Corporation et al.

V.

Speedee Oil Change Systems, Inc.

Filed order denying petition for rehearing.

DIVISION FIVE (Continued)

B194822 People (Not for Publication)

V.

John Eagen

The appeal is dismissed.

Turner, P.J.

We concur: Armstrong, J.

Kriegler, J.

B187934 In4Network, Inc., (Not for Publication)

V.

Perkins Coie at al.,

The judgment is reversed. Plaintiff, In4Network, Inc. is awarded costs on appeal jointly and severally from defendants Nicholas Rockefeller, David Biderman, Vick Mansourian, and Perkins Coie, LLP.

Turner, P.J.

We concur: Armstrong, J.

Kriegler, J.

B189813 People (Not for Publication)

V.

Juan Pastor, aka Antonio Gonzales

The judgment in the heroin case (number BA288762) is affirmed. The robbery case (number BA274126) is remanded for resentencing, but the judgment in that case is affirmed in all other respects.

Mosk, J.

We concur: Turner, P.J.

Kriegler, J.

DIVISION FIVE (Continued)

B193155 Los Angeles County, D.C.S. (Not for Publication)
v.
Mabel V.
In re Trent V., a Person Coming Under the Juvenile Court Law

The parental rights termination order is reversed and the matter is remanded for the sole purpose of complying with the Indian Child Welfare Act as discussed in the body of this opinion. In all other aspects, the orders under review are affirmed.

Turner, P.J.

We concur: Armstrong, J.
Mosk, J.

DIVISION SIX

B189495 People (Not for Publication)
v.
Washington et al.,

The trial court is ordered to issue an amended abstract of judgment as to court 4 to reflect that Washington is subject to the minimum parole eligibility date of 15 years under section 186.22, subdivision (b)(5). In all other respects, the judgments are affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

DIVISION SEVEN

B189479 People (Not for Publication)

V.
McLeod

The judgment and order revoking probation and imposing a 16-month sentence are affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

B190298 In re Brandy M.
Los Angeles County, D.C.S. (Not for Publication)
v.
Brian B. and Mandy M.

B191774 In re Connor M. and Brandy M.
 Los Angeles County, D.C.S.
 v.
 Brian B.

The order terminating Brian's and Mandy's parental rights as to Brandy and Nathan is affirmed. The order denying DNA testing for Brian is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B174378 People
v.
Martinez and Sandoval

Filed order denying petition for rehearing.

DIVISION SEVEN (Continued)

B191054 Hinchman (Not for Publication)

v.

Hinchman

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Johnson, Acting P.J.

Zelon, J.

B191978 Los Angeles County, D.C.S. (Not for Publication)

v.

Julia G.

The order is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.

Zelon, J.

B194706 In re Manuel R.-B.
Elizabeth R.-B. (Not for Publication)

v.

Superior Court, Los Angeles County

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Woods, J.

We concur: Perluss, P.J.

Zelon, J.

DIVISION SEVEN (Continued)

B181483 Continental Lynwood (Not for Publication)

v.

Lynwood Redevelopment Agency

The judgment is reversed. Continental Lynwood LLC is to recover its costs on appeal.

Perluss, P.J.

We concur: Johnson, J.

Woods, J.

B193142 Los Angeles County, D.C.S. (Not for Publication)

v.

Lorenza A., et al.

The August 14, 2006 order terminating parental rights is affirmed.

Perluss, P.J.

We concur: Woods, J.

Zelon, J.